



JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing

By: Barbara J.K. Lopez
Deputy Attorney General
(973) 648-7454

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
ANA V. LANDESTROY, LPN	:	
License # 26NP06158100	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>December 01, 2015</u>)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ana V. Landestoy ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. On or about May 23, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application. (Exhibit B).

3. Upon receipt of information indicating that Respondent was arrested on January 26, 2015 the members of the Secaucus Police Department for violations of (1) Count N.J.S.A. 2C:35-10A(4) (Possession of Marijuana/Hash Less Than 50 Grams) and (1) Count N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and proof of completion of required continuing education to Respondent's address of record in Clifton, New Jersey, via regular and certified mail on or about February 6, 2015. The regular mailing was not returned. The receipt of the

certified mailing was delivered and signed on February 7, 2015 by Respondent. (Exhibit C).

4. On February 25, 2015, Respondent partially replied and provided information about her nursing employment. She maintained that did not have any information or documents pertaining to her criminal matter and that the next scheduled court date was March 4, 2015. She maintained that she had "no continuing education classes to report." (Exhibit D).

5. Respondent was arrested on March 14, 2015 by members of the Hawthorne Police Department for violations of N.J.S.A. 2C:35-10A(4) (Possession of Less Than 50 Grams Marijuana) and N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia). (Exhibit E).

6. On April 15, 2015, in the Secaucus Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia) in connection with her January 2015 arrest and assessed fines, fees, and costs totaling four hundred and sixty four dollars (\$464). (Exhibit F).

7. On May 14, 2015, in Hawthorne Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:35-10(a)(4) (Possession of Marijuana Less than 50 Grams) in connection with her March 2015 arrest and assessed fines, fees, and costs totaling nine hundred and eight dollars (\$908). (Exhibit G).

CONCLUSIONS OF LAW

The Board finds that Respondent has been twice convicted of, or engaged in acts constituting, a crime or offense adverse to the practice of nursing which subjects her to discipline pursuant to N.J.S.A. 45:1-21(f). As both convictions were drug related, the Board finds that Respondent is presently (within the previous 365 days) engaged in drug use that is likely to impair her ability to practice nursing with reasonable skill and safety pursuant to N.J.S.A. 45:1-21(l).

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Lastly, Respondent's drug related arrests and convictions raise sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 30th day of September, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice nursing is suspended

for a minimum of three years, with a minimum of one year to be served as an active suspension, and a minimum of two years to be stayed and served as a period of probation.

2. After completion of the one year active suspension, Respondent may apply for reinstatement of her license and to terminate the active period of suspension and commence the stayed period of suspension to be served as probation. The Board will not entertain a petition for reinstatement from Respondent unless and until Respondent:

a. provides all the requested information in the Board's February 6, 2015 letter of inquiry regarding her January 2015 arrest and resulting conviction;

b. provides all the same information and documentation regarding her March 2015 arrest and resulting conviction;

c. provides proof of completion of 30 hours of continuing education for each biennial renewal period beginning from June 1, 2012 to the time of reinstatement;

d. completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP"), demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with

RAMP, and that RAMP supports her return to practice;

e. demonstrates rehabilitation sufficient to overcome her two convictions;

f. pays any and all civil penalties imposed by the Board; and

g. complies with all regulatory requirements for reinstatement, including an application, fees, and criminal history background check, if required.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

6. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a

Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

8. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

9. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

10. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing

is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

11. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

12. The Board reserves the right to initiate disciplinary proceedings at the time of Respondent's petition for reinstatement based upon any information that Respondent ultimately provides or upon any new information the Board receives, including denial of the petition for reinstatement or the imposition of limitations and restrictions on Respondent's practice during the time of probation.

A handwritten signature in cursive script, appearing to read "Patricia Murphy". The signature is written in dark ink on a white background.

By: _____

Patricia Murphy, PhD, APN
Board President